

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF INTEGRATED RESOURCE)
PLANNING FOR THE PROVISION OF)
STANDARD OFFER SUPPLY SERVICE BY)
DELMARVA POWER & LIGHT COMPANY UNDER)
26 DEL. C. § 1007(c) & (d): REVIEW) PSC DOCKET NO. 06-241
AND APPROVAL OF THE REQUEST FOR)
PROPOSALS FOR THE CONSTRUCTION OF)
NEW GENERATION RESOURCES UNDER 26)
DEL. C. § 1007(d))
(OPENED JULY 25, 2006)

**Motion to Commence Proceedings to Determine
Validity of Assertions of Confidentiality**

1. On December 28, 2006, I requested access to all “non-public” information as that term is used in PSC rule 11(e).
2. On January 8, 2007, Robert Howatt, PSC Staff Member sent an email with the following subject heading: Access to Docket 06-241 Bid Information. Mr. Howatt asked parties’ “thoughts on this issue and what information could be released in a public environment” and the submittal of redacted bids.
3. On January 18, 2007, I filed Response to Request for Access to Confidential Information and Motion for Entry of a Protective Order. That Response and Motion is incorporated herein by reference.
4. On or by January 24, 2007, each bidder submitted redacted bids.
5. On January 25 and 26, the PSC Staff placed the redacted bids online for review.
6. On or about January 26, 2007, Karen Nickerson, Secretary to the Commission served the parties with a copy of the staff response to the News Journal’s FOIA request. That response, written by Bruce Burcat, noted that consistent with rules 10 and 11 the Commission had not ruled on the validity of any claims of confidentiality in the redactions.

7. I have made an initial review of the redacted bids. The submittal of the redacted bids has been useful for the public in getting a better understanding of the bids. For example, NRG's bid reveals that:
 - a. Should its bid be accepted it will retire existing Indian River units 1 & 2, noting that retirement is possible with the "additional capacity it [400 MW of new power] provides to maintain a reliable electrical supply to the Delmarva Peninsula." Vol. 1, p. 65.
 - b. An IGCC plant will produce twice the tons of CO₂ per MW as a natural gas combined cycle plant. Vol. 1, Table 5-1, p. 63.
 - c. NRG is further backing away from complete carbon capture and sequestration, stating that it is Delmarva's option whether to include carbon capture technology "as part of the initial Project build, ready for commercial operation..." Vol. 1, p. 13. NRG further suggests that it would capture at most 65% of the carbon generated (resulting in at most a 35 percent reduction in carbon compared to natural gas without capture and sequestration) and that it does not have sufficient certainty at this time to commit to sequestration of the carbon ("issues remain" regarding design and implementation generally and NRG has not yet "conduct[ed] a detailed geologic and engineering study in the region surrounding Indian River to rigorously evaluate and test" options. Vol. 1., Table 6-1, p 100 and p. 101-102.
8. That said, all of the bids redact important information for decisions. For example,
 - a. Bluewater Wind and the other bidders redact pricing information; yet this Commission and DNREC establish that 1/3 of all points in the bidding process would be allocated based on price.
 - b. Bluewater Wind and the other bidders redact the capacity factor, which is important in understanding how much power each bid will generate on average.
 - c. Bluewater Wind and the other bidders redact pages in their entirety without explanation or justification.
 - d. Bluewater Wind redacted Form L Appendix 4, which on information and belief, is a diagram of transmission lines.
 - e. NRG redacts portions of the Table of Contents
 - f. NRG redacts individual words. See e.g., p. 5, wherein it criticizes a "large _____ wind farm"

- g. NRG redacts portions of the section on price stability; yet price stability counts for 20 of the 100 points to allocate.
 - h. NRG redacts large portions of Vol 1., Section 5, Environmental Benefits and Impacts including Tables 5-4 - 5-8 (air emissions of conventional pollutants such as NO_x, SO₂, VOCs and PM) and Table 5-9 CO₂ emissions), yet environmental impact at 14 points in the highest non-price component of the evaluation. Thus, in total NRG redacts information relevant at a minimum to 2/3 of the potential allocable points.
9. Some of the redacted information (e.g. on price, price stability and environmental impacts) is directly relevant to the ability of the public to evaluate the bids and meaningfully comment on them. Other redacted material appears that it should be disclosed to the public under any circumstances. At still other times, the bidders have not provided the public with sufficient information to allow it to understand what has been redacted and the reason for the redaction. And finally, it is not clear whether all material was provided to the public (that is, Conectiv's redacted bid is significantly shorter than the other two redacted bids).

WHEREFORE, I RESPECTFULLY REQUEST THAT THIS HONORABLE COMMISSION,

- 1. SCHEDULE this motion for hearing on February 6, 2007, the same day I understand the Motion for Entry of Protective Order will be heard.
- 2. GRANT this motion.
- 3. ORDER Bluewater Wind, Conectiv and NRG to provide enough detail regarding each and every redaction so that the public can understand what is being redacted.
- 4. ORDER Bluewater Wind, Conectiv and NRG to justify each and every redaction.
- 5. EVALUATE each and every assertion of confidentiality and determine whether any redacted material must, or should, be made available to the public.
- 6. GRANT such other relief as is appropriate and just.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy Firestone". The signature is fluid and cursive, with the first name "Jeremy" and last name "Firestone" clearly distinguishable.

Jeremy Firestone
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